

02/21/02

JCS95N U.S. PTO

Please type a plus sign (+) inside this box ☐

10080259 .022102

02-22-02

PTO/SB/05 (03-01)  
 Approved for use through 10/31/2002 OMB 05-01-0032  
 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for now nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No. ICC-127.0 (84273)

First Inventor Ashley J. Birkett

Title INFLUENZA IMMUNOGEN AND VACCINE

Express Mail Label No. EL854692726US

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents

## ADDRESS TO:

Assistant Commissioner for Patents  
Box Patent Application  
Washington, D.C. 20231

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original, and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification (Total Pages 106)  
(preferred arrangement set forth below)  
 - Descriptive title of the invention  
 - Cross Reference to Related Applications  
 - Statement Regarding Fed sponsored R & D  
 - Reference to sequence listing, a table, or a computer program listing appendix  
 - Background of the Invention  
 - Brief Summary of the Invention  
 - Brief Description of the Drawings (if filed)  
 - Detailed Description  
 - Claim(s)  
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) (Total Sheets 7)
5. Oath or Declaration (Total Pages)  
 a. ☐ Newly executed (original or copy)  
 b. ☐ Copy from a prior application (37 CFR 1.63(d))  
(for continuation/divisional with Box 18 completed)  
 i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b)
6. ☒ Application Data Sheet. See 37 CFR 1.76
7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)  
 a. ☒ Computer Readable Form (CRF)  
 b. Specification Sequence Listing on:  
 i. ☐ CD-ROM or CD-R (2 copies), or  
 ii. ☒ paper  
 c. ☒ Statements verifying identity of above copies

## ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☐ Power of Attorney
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122 (if (2)(B)(i)). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: UNEXECUTED DECLARATION AND POWER OF ATTORNEY

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76.

☐ Continuation ☐ Divisional ☒ Continuation-in-part (CIP) of prior application No.: 09/930,915

Prior application information

Examiner

Group / Art Unit:

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is required under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 19. CORRESPONDENCE ADDRESS

☐ Customer Number or Bar Code Labelor ☒ Correspondence address below

(Insert Customer No. or Attach bar code label here)

Name Edward P. Gamson, Esq.  
WELSH & KATZ, LTD.

Address 120 South Riverside Plaza  
22nd Floor

City Chicago State Illinois Zip Code 60606

Country USA Telephone (312) 655-1500 Fax (312) 655-1501

Name (Print/Type) Edward P. Gamson

Registration No. (Attorney/Agent) 29,381

Signature

Date 02/21/02


Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

<b>CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)</b>	<b>Docket No.</b>
<b>Applicant(s):</b> Ashley J. Birkett	<b>ICC-127.0 (84273)</b>

<b>Serial No.</b> New Application	<b>Filing Date</b> February 21, 2002	<b>Examiner</b> Unknown	<b>Group Art Unit</b> Unknown
--------------------------------------	---	----------------------------	----------------------------------

**Invention:** INFLUENZA IMMUNOGEN AND VACCINE

I hereby certify that this Appln and Fee Transmittal Forms, Patent Appln and its stated enclosures and fee  
*(Identify type of correspondence)*  
 is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under  
 37 CFR 1.10 in an envelope addressed to: The Commissioner of Patents and Trademarks, Washington, D.C.  
 20231-0001 on February 21, 2002  
*(Date)*

Fred Franks  
*(Typed or Printed Name of Person Mailing Correspondence)*  
  
*(Signature of Person Mailing Correspondence)*  
EL854692726US  
*("Express Mail" Mailing Label Number)*

**Note:** Each paper must have its own certificate of mailing.

Approved for use through 10/31/2002 OMB 0651-0032  
 Patent and Trademark Office U.S. DEPARTMENT OF COMMERCE  
 Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

\$487.00

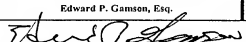
## Complete if Known

Application Number Unknown  
 Filing Date February 21, 2002  
 First Named Inventor Ashley J. Birkett  
 Examiner Name Unknown  
 Group Art Unit Unknown  
 Attorney Docket No. (84273) ICC-127.0 US

METHOD OF PAYMENT (check all that apply)				FEE CALCULATION (continued)																																																																																																																											
<input checked="" type="checkbox"/> Check <input type="checkbox"/> Credit card <input type="checkbox"/> Money Order <input type="checkbox"/> Other <input type="checkbox"/> None <input type="checkbox"/> Deposit Account Deposit Account Number <u>23-0920</u> Deposit Account Name <u>Welsh &amp; Katz, Ltd.</u> The Commissioner is authorized to: (check all that apply) <input checked="" type="checkbox"/> Charge fee(s) indicated below <input type="checkbox"/> Credit any overpayments <input type="checkbox"/> Charge any additional fee(s) during the pendency of this application <input checked="" type="checkbox"/> Charge fee(s) indicated below, except for the filing fee to the above identified deposit account.				<b>3. ADDITIONAL FEES</b> <table border="1"> <thead> <tr> <th>Large Entity Fee Code (\$)</th> <th>Small Entity Fee Code (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>105 130</td><td>205 65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>127 50</td><td>227 25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>139 130</td><td>139 130</td><td>Non - English specification</td><td></td></tr> <tr><td>147 2,520</td><td>147 2,520</td><td>For filing a request for <i>ex parte</i> reexamination</td><td></td></tr> <tr><td>112 920*</td><td>112 920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>113 1,840*</td><td>113 1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>115 110</td><td>215 55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>116 400</td><td>216 200</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>117 920</td><td>217 460</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>118 1,440</td><td>218 720</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>128 1,960</td><td>228 980</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>119 320</td><td>219 160</td><td>Notice of Appeal</td><td></td></tr> <tr><td>120 320</td><td>220 160</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>121 280</td><td>221 140</td><td>Request for oral hearing</td><td></td></tr> <tr><td>138 1,510</td><td>138 1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>140 110</td><td>240 55</td><td>Petition to revive - unavoidable</td><td></td></tr> <tr><td>141 1,280</td><td>241 640</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>142 1,280</td><td>242 640</td><td>Utility issue fee (or reissue)</td><td></td></tr> <tr><td>143 460</td><td>243 230</td><td>Design issue fee</td><td></td></tr> <tr><td>144 620</td><td>244 310</td><td>Plant issue fee</td><td></td></tr> <tr><td>122 130</td><td>122 130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>123 50</td><td>123 50</td><td>Processing fee under 37 CFR § 1.17(a)</td><td></td></tr> <tr><td>126 180</td><td>126 180</td><td>Submission of Information Disclosure Statement</td><td></td></tr> <tr><td>581 40</td><td>581 40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>146 740</td><td>246 370</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td><td></td></tr> <tr><td>149 740</td><td>249 370</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td><td></td></tr> <tr><td>170 740</td><td>279 370</td><td>Request for Continued Examination (RCE)</td><td></td></tr> <tr><td>160 900</td><td>160 900</td><td>Request for expedited examination of a design application</td><td></td></tr> <tr><td colspan="3">Other fee (specify) _____</td><td></td></tr> </tbody> </table>				Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid	105 130	205 65	Surcharge - late filing fee or oath		127 50	227 25	Surcharge - late provisional filing fee or cover sheet		139 130	139 130	Non - English specification		147 2,520	147 2,520	For filing a request for <i>ex parte</i> reexamination		112 920*	112 920*	Requesting publication of SIR prior to Examiner action		113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action		115 110	215 55	Extension for reply within first month		116 400	216 200	Extension for reply within second month		117 920	217 460	Extension for reply within third month		118 1,440	218 720	Extension for reply within fourth month		128 1,960	228 980	Extension for reply within fifth month		119 320	219 160	Notice of Appeal		120 320	220 160	Filing a brief in support of an appeal		121 280	221 140	Request for oral hearing		138 1,510	138 1,510	Petition to institute a public use proceeding		140 110	240 55	Petition to revive - unavoidable		141 1,280	241 640	Petition to revive - unintentional		142 1,280	242 640	Utility issue fee (or reissue)		143 460	243 230	Design issue fee		144 620	244 310	Plant issue fee		122 130	122 130	Petitions to the Commissioner		123 50	123 50	Processing fee under 37 CFR § 1.17(a)		126 180	126 180	Submission of Information Disclosure Statement		581 40	581 40	Recording each patent assignment per property (times number of properties)		146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))		149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))		170 740	279 370	Request for Continued Examination (RCE)		160 900	160 900	Request for expedited examination of a design application		Other fee (specify) _____			
Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid																																																																																																																												
105 130	205 65	Surcharge - late filing fee or oath																																																																																																																													
127 50	227 25	Surcharge - late provisional filing fee or cover sheet																																																																																																																													
139 130	139 130	Non - English specification																																																																																																																													
147 2,520	147 2,520	For filing a request for <i>ex parte</i> reexamination																																																																																																																													
112 920*	112 920*	Requesting publication of SIR prior to Examiner action																																																																																																																													
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action																																																																																																																													
115 110	215 55	Extension for reply within first month																																																																																																																													
116 400	216 200	Extension for reply within second month																																																																																																																													
117 920	217 460	Extension for reply within third month																																																																																																																													
118 1,440	218 720	Extension for reply within fourth month																																																																																																																													
128 1,960	228 980	Extension for reply within fifth month																																																																																																																													
119 320	219 160	Notice of Appeal																																																																																																																													
120 320	220 160	Filing a brief in support of an appeal																																																																																																																													
121 280	221 140	Request for oral hearing																																																																																																																													
138 1,510	138 1,510	Petition to institute a public use proceeding																																																																																																																													
140 110	240 55	Petition to revive - unavoidable																																																																																																																													
141 1,280	241 640	Petition to revive - unintentional																																																																																																																													
142 1,280	242 640	Utility issue fee (or reissue)																																																																																																																													
143 460	243 230	Design issue fee																																																																																																																													
144 620	244 310	Plant issue fee																																																																																																																													
122 130	122 130	Petitions to the Commissioner																																																																																																																													
123 50	123 50	Processing fee under 37 CFR § 1.17(a)																																																																																																																													
126 180	126 180	Submission of Information Disclosure Statement																																																																																																																													
581 40	581 40	Recording each patent assignment per property (times number of properties)																																																																																																																													
146 740	246 370	Filing a submission after final rejection (37 CFR § 1.129(a))																																																																																																																													
149 740	249 370	For each additional invention to be examined (37 CFR § 1.129(b))																																																																																																																													
170 740	279 370	Request for Continued Examination (RCE)																																																																																																																													
160 900	160 900	Request for expedited examination of a design application																																																																																																																													
Other fee (specify) _____																																																																																																																															
<b>FEE CALCULATION</b> <b>1. BASIC FILING FEE</b> <table border="1"> <thead> <tr> <th>Large Entity Fee Code (\$)</th> <th>Small Entity Fee Code (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>101 740</td><td>201 370</td><td>Utility filing fee</td><td>370.00</td></tr> <tr><td>106 330</td><td>206 165</td><td>Design filing fee</td><td></td></tr> <tr><td>107 510</td><td>207 255</td><td>Plant filing fee</td><td></td></tr> <tr><td>108 740</td><td>208 370</td><td>Reissue filing fee</td><td></td></tr> <tr><td>114 160</td><td>214 80</td><td>Provisional filing fee</td><td></td></tr> <tr><td colspan="3">SUBTOTAL (1)</td><td>\$370.00</td></tr> </tbody> </table>				Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid	101 740	201 370	Utility filing fee	370.00	106 330	206 165	Design filing fee		107 510	207 255	Plant filing fee		108 740	208 370	Reissue filing fee		114 160	214 80	Provisional filing fee		SUBTOTAL (1)			\$370.00	<b>2. EXTRA CLAIM FEES FOR UTILITY AND</b> <table border="1"> <thead> <tr> <th>Total Claims</th> <th>Extra Claims</th> <th>Fee from below</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>33</td><td>-20** = 13</td><td>X 9.00 =</td><td>117.00</td></tr> <tr><td>3</td><td>-3** = 0</td><td>X 42.00 =</td><td>0.00</td></tr> <tr><td colspan="3">Multiple Dependent</td><td></td></tr> </tbody> </table>				Total Claims	Extra Claims	Fee from below	Fee Paid	33	-20** = 13	X 9.00 =	117.00	3	-3** = 0	X 42.00 =	0.00	Multiple Dependent																																																																															
Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid																																																																																																																												
101 740	201 370	Utility filing fee	370.00																																																																																																																												
106 330	206 165	Design filing fee																																																																																																																													
107 510	207 255	Plant filing fee																																																																																																																													
108 740	208 370	Reissue filing fee																																																																																																																													
114 160	214 80	Provisional filing fee																																																																																																																													
SUBTOTAL (1)			\$370.00																																																																																																																												
Total Claims	Extra Claims	Fee from below	Fee Paid																																																																																																																												
33	-20** = 13	X 9.00 =	117.00																																																																																																																												
3	-3** = 0	X 42.00 =	0.00																																																																																																																												
Multiple Dependent																																																																																																																															
<b>Large Entity Fee Code (\$)</b> <b>Small Entity Fee Code (\$)</b> <b>Fee Description</b> <table border="1"> <tbody> <tr><td>103 18</td><td>203 9</td><td>Claims in excess of 20</td><td></td></tr> <tr><td>102 84</td><td>202 42</td><td>Independent claims in excess of 3</td><td></td></tr> <tr><td>104 280</td><td>204 140</td><td>Multiple dependent claim, if not paid over original patent</td><td></td></tr> <tr><td>109 84</td><td>209 42</td><td>** Reissue independent claims over original patent</td><td></td></tr> <tr><td>110 18</td><td>210 9</td><td>** Reissue claims in excess of 20 and over original patent</td><td></td></tr> <tr><td colspan="3">SUBTOTAL (2)</td><td>\$117.00</td></tr> </tbody> </table>				103 18	203 9	Claims in excess of 20		102 84	202 42	Independent claims in excess of 3		104 280	204 140	Multiple dependent claim, if not paid over original patent		109 84	209 42	** Reissue independent claims over original patent		110 18	210 9	** Reissue claims in excess of 20 and over original patent		SUBTOTAL (2)			\$117.00	<b>Other fee (specify)</b> _____ <b>SUBTOTAL (3)</b> _____																																																																																																			
103 18	203 9	Claims in excess of 20																																																																																																																													
102 84	202 42	Independent claims in excess of 3																																																																																																																													
104 280	204 140	Multiple dependent claim, if not paid over original patent																																																																																																																													
109 84	209 42	** Reissue independent claims over original patent																																																																																																																													
110 18	210 9	** Reissue claims in excess of 20 and over original patent																																																																																																																													
SUBTOTAL (2)			\$117.00																																																																																																																												

\*\*or number previously paid, if greater; For Reissues, see above

\*Reduced by Basic Filing Fee Paid

SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Edward P. Gamson, Esq.	Registration No. (Attorney/Agent)	29,381
Signature		Telephone	(312) 655-1500
		Date	February 21, 2002

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on**

Burden Hour Statement This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ashley J. Birkett	)	
	)	Attorney Docket:
Serial No.: Not yet assigned	)	
	)	ICC-127.0
Filing Date: February 21, 2002	)	(4564/84273)
	)	
For: INFLUENZA IMMUNOGEN AND VACCINE	)	Group Art Unit:
	)	Unknown
Examiner: Not yet assigned	)	

STATEMENT UNDER 37 CFR § 1.821(f)

Commissioner for Patents  
Box Patent Application  
Washington, D.C. 20231

Sir:


I hereby state that the enclosed computer readable form of the Sequence Listing (file: ICC127prj.ST25.txt in ASCII format copied onto the accompanying diskette from PatentIn Ver. 3.1 on this date) and the paper copy of the Sequence Listing (pages 1 through 25) forming a part of the disclosure of the invention filed herewith on this day are identical.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title

New CIP Patent Application -2-  
Ashley J. Birkett

18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

By   
Edward P. Gamson, Reg. No. 29,381

Enclosures

Computer Readable Disk and Sequence List  
Patent Application and Fee  
Unexecuted Declaration and Power of Attorney  
Transmittal Letter  
Application Data Sheet  
Fee Sheet

WELSH & KATZ, LTD.  
120 South Riverside Plaza, 22nd Floor  
Chicago, Illinois 60606  
Phone (312) 655-1500  
Fax No. (312) 655-1501

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this Statement, together with a Computer readable disk, Transmittal Letter and its stated enclosures and Patent Application and Fee, are being deposited with the United States Postal Service as Express Mail Label No. EL854692726US, postage prepaid, in an envelope addressed to: Commissioner for Patents, Box Patent Application, Washington, D.C. 20231 on February 21, 2002.

